



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

NOV 30 2005

Mr. John A. DeLashmit, P.E.
U.S. Environmental Protection Agency
Region VII
901 North Fifth Street
Kansas City, KS 66101

Re: Permit for Kansas City, Rocky Branch Wastewater Treatment Plant (WWTP) in Lieu of Total Maximum Daily Load (TMDL) for Rocky Branch (WBID 3326)

Dear Mr. DeLashmit:

Rocky Branch near Kansas City, in Clay County, Missouri, is on the 2002 303(d) list for Biochemical Oxygen Demand (BOD). The source of this impairment is listed as the Rocky Branch WWTP, Permit Number MO-0048305. The Missouri Department of Natural Resources (the department) has opted to correct these impairments through permit limits in lieu of a TMDL.

The outfall for the WWTP discharges to Rocky Branch. The impaired segment begins below the outfall. There are no other point source discharges upstream and the land use is rural with increasing new development. The creek upstream of the WWTP effluent appears to be in good condition. Six of eight samples collected in 2001 showed impaired Dissolved Oxygen (DO) levels in the stream below the WWTP. The city completed construction of a new WWTP in September, 2005. Recent daily monitoring reports for Rocky Branch show the effluent now meets the more stringent advanced treatment limits. In-stream monitoring for DO and ammonia shows the stream meets water quality standards (WQS) below the WWTP.

The construction of the wastewater improvements is complete with exception of the sludge digester and the new plant is discharging to Rocky Branch. The city's permit was modified in 2005 to allow discharge from the new facility, and placed on public notice on September 30, 2005. The previous permit limits were 30 mg/L BOD/30 mg/L Total Suspended Solids (TSS), with no ammonia limits. The new plant's effluent limits are 10/15 mg/L BOD (monthly and weekly average); 15/25 TSS (monthly and weekly), and ammonia limits of 1.2/2.4 mg/L (monthly, weekly in summer) and 2.3/4.6 mg/L (monthly/weekly in winter). BOD, TSS, and ammonia limits for the peak flow basin emergency outfall are set at 15 mg/L, 20 mg/L and 3 mg/L respectively. These limits, now in effect, should ensure that stream WQS are met.

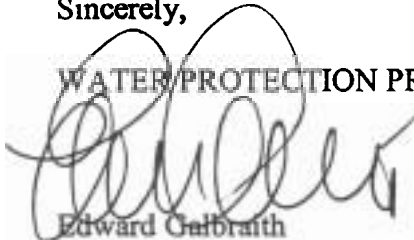
Mr. John A. DeLashmit, P.E.
Page Two

Enclosed please find the Missouri State Operating Permit for the Rocky Branch WWTP. This permit has been modified to require the more stringent limits cited above, annual WET tests, and in-stream monitoring by the WWTP staff. The department has scheduled ambient stream monitoring for 2006 to ensure the stream continues to meet WQS. A reopener clause is included in the permit to allow for stricter limits if future monitoring shows WQS violations.

With this letter, the department submits the Rocky Branch WWTP permit to the U.S. EPA for concurrence that the permit will serve in lieu of a TMDL. We appreciate EPA taking prompt action on this. If you have any questions, please contact Mr. Philip Schroeder at (573) 751-6770 or by mail at Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, Missouri 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM

A handwritten signature in dark ink, appearing to read "Ed Galbraith", is written over the typed name and title.

Edward Galbraith
Director

EG:mcl

Enclosure

c: Mr. William Bryan, Attorney General's Office
Mr. Daniel R. Schuette, Director DEQ
Mr. Earl Pabst, Deputy Director, DEQ
Missouri Clean Water Commission



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JUL 20 2006

RECEIVED
2006 JUL 25 PM 12:03
WATER PROTECTION PROGRAM

Mr. Edward Galbraith, Director
Water Pollution Control Program
Water Protection and Soil Conservation Division
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Dear Mr. Galbraith:

RE: Permit Limits in Lieu of a TMDL for Rocky Branch Creek

This letter responds to the submission from the Missouri Department of Natural Resources (MDNR), dated November 30, 2005, regarding Rocky Branch Creek. This waterbody was listed as impaired on Missouri's 2002 §303(d) list. MDNR proposes to correct the impairment with National Pollutant Discharge Elimination System (NPDES) permit limits in lieu of a Total Maximum Daily Load (TMDL). The following water body segment was proposed to be corrected through permit limits.

Water Body	WBID	Impairment	Source	Permit #	Year added to list
Rocky Branch Creek	3326	Biochemical Oxygen Demand (BOD)	Kansas City Rocky Branch Wastewater Treatment Plant (WWTP)	MO-0048305	2002

Waters require TMDLs when certain pollution control requirements are not stringent enough to implement water quality standards (WQS) for such waters. To exempt an impaired water from the TMDL process, the pollution control requirements cited in the regulation under 130.7(b)(i), (ii), and (iii) must be established and enforced by federal, state, or local laws or regulations, and be stringent enough that, when applied, the receiving water will meet WQS.

The Kansas City Rocky Branch WWTP has been identified as the sole source of the BOD impairment, on Rocky Branch Creek, as a result of surface water monitoring directly above and below the WWTP. The NPDES permit issued on November 10, 2005, for the Kansas City Rocky Branch WWTP, includes final limits that are now in effect, and should achieve WQS for BOD.

On February 27, 2001, EPA entered into a Consent Decree with the American Canoe Association, which outlined milestones for developing Total Maximum Daily Load (TMDL) documents for waterbodies included on the 1998 §303(d) list. In fulfilling the milestone obligations, Paragraph 5.B(4)(b) of the Consent Decree indicates that waterbodies that EPA determines do not need TMDLs consistent or are subsequently removed from the Missouri §303(d) list also count toward meeting the TMDL Consent Decree requirements.

Rocky Branch Creek was listed on the 2002 §303(d) list but was not listed on the 1998 §303(d) list. Therefore, the permit action on this waterbody will not count toward meeting the TMDL Consent Decree requirements. During the next Missouri 303(d) listing process, EPA will consider all the submitted information and supporting documentation as well as any new data gathered during the intervening time as supporting evidence justifying removal of this waterbody from the list.

If you have any questions or concerns in regards to this matter, please do not hesitate to contact Jack Generaux, TMDL Team Leader, at (913)551-7690, or Tabatha Adkins, TMDL Team, at (913)551-7128.

Sincerely,

for William A. Spratlin
Director
Water, Wetlands and Pesticides Division

cc: Anne Peery, TMDLs, MDNR, Jefferson City, MO
Phil Schroeder, MDNR, Jefferson City, MO